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Restoring Voting Rights to Former Felons

The story of American democracy is often told as the steady expansion of voting rights, but history has not yet caught up with one group: former felons. In all but two states, citizens with felony convictions are prohibited from voting either permanently or temporarily. The United States is the only country that permits permanent disenfranchisement of felons even after completion of their sentences.

Policies on felon re-enfranchisement across the 50 states are inconsistent, and create confusion among, not only those former offenders who wish to regain the right to vote, but also the very officials charged with implementing the laws. The result is a network of misinformation that discourages some legally eligible voters from registering to vote, and places undue restrictions on others during the registration process. On the other hand, former offenders who are unaware of their state's restrictions may register and vote, and, in doing so, unwittingly commit a new crime.

Fair and consistent felon re-enfranchisement laws can contribute to the rehabilitation process and reduce the harmful impact on low-income and minority communities, where a disproportionately high number of individuals are disenfranchised due to felony convictions. The right to vote helps to foster a sense of community for those who feel disconnected and unfairly excluded from civic participation. Priority must be given to developing a nationwide policy that allows for reinstatement of voting rights, as well as education of former offenders regarding restoration procedures.

This policy paper examines the varying ways in which states regulate or prevent voting by former felons, and concludes with policy recommendations.

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Felon Voting Rights Vary Widely By State

Felon restoration laws vary significantly among states. For example, a citizen who is convicted of a felony in Vermont can cast an absentee ballot from his jail cell while serving his sentence. If the same citizen commits the same crime in Virginia, he can never vote again unless the governor acts to restore his rights. In other states, he may be able to vote once he completes some combination of parole, probation, and restitution. Re-enfranchisement may also depend upon whether or not an individual's child support payments are in arrears, or how long it has been since he has fulfilled the terms of his sentence. If an individual moves from one state to another after completing a felony sentence, election officials in the new state may not know whether or not he is eligible to register and vote. If he does not inform them of his status as a former felon, they may never know.

Policies on felon voting in the 50 states fall into six broad categories: (1) permanent disenfranchisement for all felony offenders; (2) permanent disenfranchisement for some felony offenders; (3) re-enfranchisement after completion of sentence, including parole and probation; (4) re-enfranchisement after completion of prison time and parole (probationers can vote); (5) re-enfranchisement after completion of prison time (parolees and probationers can vote); and (6) states with minimal disenfranchisement. Below is a chart of which states fall into each category. (For citations to state law, please see Appendix on pp. 9-16.)

Permanent Disenfranchisement for All Offenders

Kentucky Virginia

Permanent Disenfranchisement for At Least Some Offenders

Alabama	Mississippi	Tennessee
Arizona	Missouri	Wyoming
Delaware	Nevada	
Maryland	New Jersey	

Voting Rights Restored After Completion of Sentence Including Parole and Probation

Alaska	Kansas	Oklahoma
Arkansas	Louisiana	South Carolina
Florida	Minnesota	Texas
Georgia	Nebraska	Washington
Idaho	New Mexico	West Virginia
Iowa	North Carolina	Wisconsin

Voting Rights Restored After Completion of Prison Time and Parole (Probationers Can Vote)

California	Connecticut	South Dakota
Colorado	New York	

Voting Rights Restored After Completion of Prison Time (Parolees and Probationers Can Vote)

District of Columbia	Michigan	Oregon
Hawaii	Montana	Pennsylvania
Illinois	New Hampshire	Rhode Island
Indiana	North Dakota	Utah
Massachusetts	Ohio	

No Disenfranchisement for Felony Offenders

Maine Vermont

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In two states, Kentucky and Virginia, a felony conviction leads to the permanent loss of voting rights. The only exception occurs when a former offender is able to have individual rights restored by the government. For example, in Kentucky, if an ex-offender submits a letter or essay detailing why his voting rights should be restored, along with character references, the state may restore his rights.¹

In Alabama, certain felonies, including those involving “moral turpitude,” result in a permanent loss of the right to vote, while others allow for re-enfranchisement after the sentence is complete and all fines and fees are paid. Delaware has a similar law, but includes a five-year waiting period before restoration.

In Arizona, a first-time offender can have rights restored upon completing the sentence (including parole and probation) and payment of “legal financial obligations.” A second offense makes the loss of rights permanent, unless restored at the end of probation by the judge who discharges the offender.² Nevada offers restoration to first-time offenders only if the offense is non-violent; any violent crime, or any subsequent crime regardless of violence, results in permanent loss of the right to vote.³

In Maryland, an individual convicted of buying or selling votes may not register to vote. Other felony offenders must finish parole and probation before registering. In Missouri, an individual convicted of a felony or misdemeanor connected with the right of suffrage may not vote. However, other offenders regain the franchise after completion of parole and probation. Similarly, in New Jersey, an offender who violated the Election title must be pardoned or restored by law to the right of suffrage, though all other offenders regain the right after completion of parole and probation.

There are ten specific felony offenses that result in permanent disenfranchisement in Mississippi. No other offenses, even other felonies, result in the loss of voting rights. In Wyoming, nonviolent first offenders can have their rights restored five years after completing their sentences. However, repeat or violent offenders permanently lose the right to vote, unless restored by the Governor.⁴

In Florida, voting rights are automatically restored for most people convicted of non-violent offenses. Individuals committing serious crimes, excluding murder and sex crimes, can apply to have rights restored without a hearing before the Board of Executive Clemency. A person convicted of murder or sex crime has to face several additional burdens, which include either waiting fifteen years after completion of a sentence before applying or petitioning the Board for a review and a hearing.

Tennessee has the most convoluted system. Due to frequent changes in the law, “the process for restoration of rights differs depending on which of five different time periods a felony conviction was acquired.”⁵

Several states automatically restore voting rights to former offenders after they have completed their entire sentence, including parole and probation. In other states, felony probationers are allowed to vote once they have been released from prison and completed parole. Currently, five states follow this practice.

Thirteen states and the District of Columbia automatically restore the right to vote upon release from prison. Two states, Maine and Vermont, do not disenfranchise at all for felony convictions. In those states, an offender can vote by absentee ballot from his prison cell.

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Legal Concerns

Voting rights organizations and others have asserted legal challenges to the state practices identified above on the basis that they contravene constitutional guarantees under the Equal Protection Clause and the 24th Amendment prohibition on poll taxes. These state laws have generally withstood constitutional challenge, although some litigation has been successful.

Legal scholars argue that inconsistent implementation of state felony disenfranchisement laws by election officials violates the Equal Protection Clause of the Fourteenth Amendment. To overcome an equal protection challenge, a state should have to show that a state law is necessary to promote a legitimate state interest and narrowly tailored to do so.⁶ Unfortunately, in a 1974 case, the U.S. Supreme Court exempted felony disenfranchisement provisions from strict scrutiny,⁷ and lower courts have found that felon disenfranchisement laws promote legitimate state interests.⁸ Later, the Supreme Court declared state felony disenfranchisement policies that reflected purposeful racial discrimination violated the Fourteenth Amendment.⁹

As previously noted, Alabama, Arizona, Arkansas, Connecticut, and Delaware all have payment of restitution, fines, and fees as part of the re-enfranchisement requirements. In at least one of Tennessee's five different sets of standards, an offender is required to be current with child support, as well. Regardless of compliance with all other aspects of a sentence, "because of provisions like these, people in poor financial situations... will continue to be barred from the polls."¹¹ This, in effect, creates the same kind of poll tax that was once used to circumvent the 14th Amendment and prevent African-Americans from voting.

In addition to the constitutional issues outlined above,

several federal appeals courts have considered challenges to disenfranchisement laws under the Voting Rights Act of 1965 (VRA), with different results. In *Farrakhan v. Gregoire*, 590 F.3d 989 (9th Cir. 2010), a 3-judge panel of the Ninth Circuit found Washington's felon disenfranchisement law racially discriminatory and therefore in violation of the VRA. The court based its ruling on substantial social science evidence, showing that Washington's criminal justice system discriminates against minorities at every stage. (The state has since petitioned for review by the full court.) Three other Circuit Courts have ruled otherwise, finding that the Voting Rights Act does not cover felon disenfranchisement laws. See *Simmons v. Galvin*, 575 F.3d 24 (1st Cir. 2009); *Hayden v. Pataki*, 449 F.3d 305 (2d Cir. 2006) (en banc); *Johnson v. Governor of State of Fla.*, 405 F.3d 1214 (11th Cir. 2005) (en banc). Since there is a conflict among the judicial circuits, it is quite possible that this issue will eventually reach the Supreme Court.

Case Study:

Inconsistent Application of Felon Voting Laws in New York

A 2005 study conducted by The Brennan Center for Justice and Demos found that more than one-third of local election boards in New York State were improperly denying the right to vote to ex-offenders serving terms of parole or probation, and that some of these boards were doing so in conscious violation of state law. Thirty-two percent of boards illegally requested documentation before allowing these individuals to register.¹⁰ Such practices can effectively disenfranchise a person who is legally entitled to vote, and similar practices may exist in other states as well.

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Re-enfranchisement Helps Restore Disproportionately Affected Communities

Minority and low-income citizens are over-represented in the criminal justice system. The disenfranchisement rate of African-American men is seven times the national average at 13%, or 1.4 million.¹² African-American women are disenfranchised at nearly four times the rate of non-African-American women.¹³ Four of every five drug offenders in state prison are African-American or Latino. However, this number is largely due to inconsistencies in prosecution and sentencing and is not indicative of greater drug use in either community.¹⁴ Research has shown that poor and/or non-white persons are more likely to be arrested, charged, convicted, and sentenced to prison than their wealthier, White counterparts.¹⁵ This over-representation in prisons results in an under-representation of these same groups at the polls.

Those convicted are not the only ones who lose political representation as a result of stringent disenfranchisement policies. Studies have shown that many convicted felons come from the same inner-city neighborhoods. As a result, when felons lose the right to vote, it weakens the political power of the entire neighborhood, including residents who have committed no crime.¹⁶ “Increasingly, the ability of these communities to gain political representation and influence – and therefore access to public resources – is being thwarted by the American race to incarcerate.”¹⁷ Clearly, the de facto disenfranchisement of law-abiding citizens is an unacceptable consequence of a form of punishment intended for those who have committed a crime.

Finally, reintegration into society is essential to ensure community safety and reduce the risk of recidivism among those who have committed crimes. According to the Brennan Center for Justice, “[r]estoring the right to vote helps reintegrate people with criminal records into society and, by increasing voter participation, strengthens democracy.”¹⁸ Civic participation instills in the offender a feeling of belonging in the community and a sense of responsibility toward others. This connection to others encourages former felons to be contributing members of society.

In contrast, withholding the right to vote fosters a sense of exclusion and disconnectedness from the larger community. In a survey of poor, homeless citizens with felony convictions, Matthew Cardinale gave voice to this sentiment, noting that many individuals responded that disenfranchisement caused them to feel they were “somehow only a fraction of a citizen.” Respondents also indicated that the sense of separation left little motivation to change criminal behavior.¹⁹

Awareness of Rights

In addition to a feeling of alienation among disenfranchised ex-offenders, Cardinale’s survey also revealed surprising information about education of ex-offenders regarding voting rights. Eighty-six percent of respondents were confused about their voting rights; 90% said they were not told during the legal process that they may lose their right to vote; and 96% received no information from prison or parole staff regarding re-enfranchisement.²⁰ Marc Mauer and Tushar Kansal of The Sentencing Project recommend that corrections officials in every state be required to both inform persons under their supervision of re-enfranchisement policies and assist in the re-enfranchisement process.²¹

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Momentum for Change

In recent years there have been several developments in the movement for felony re-enfranchisement that are encouraging to voting rights advocates. According to The Sentencing Project, 21 states have implemented policy reforms to expand access to voting for former felons since 1997: nine states either repealed or amended lifetime disenfranchisement laws; two states expanded voting rights to persons under community supervision (probation and parole); six states eased the restoration process for persons seeking to have their right to vote restored after completing sentence; and four states improved data and information sharing.²²

Alabama, for example, streamlined its process in 2003 by allowing non-violent offenders to apply for restoration of voting rights immediately upon completion of sentence. Other states, including Connecticut, Florida, Kentucky, and Tennessee took steps to streamline their processes or otherwise expedite the restoration process.²³

Connecticut restored voting rights to persons on probation in 2001, though the language of the bill required former felons to show proof of eligibility; in 2006, Connecticut repealed this requirement, removing potential paperwork barriers and increasing the likelihood that former felons will register and vote. In 2006, Rhode Island voters also approved the restoration of voting rights to ex-offenders serving a sentence of parole or probation.²⁴ Rhode Island's former law provided for restoration of rights only after parole and probation had been completed.²⁵

In 2007 Maryland did away with its confusing sliding-scale of post-sentence disenfranchisement policies and restoration procedures, which varied based on criminal

history and type of offense, and allowed for automatic restoration of voting rights to all felons upon completion of sentence. Other states, including Delaware and Nebraska, have repealed permanent disenfranchisement laws and replaced them with waiting periods after completion of sentence before voting rights can be restored. Nevada and Texas, on the other hand, have repealed their waiting period requirements, allowing rights to be restored upon completion of sentence.²⁶

In 2008 the Supreme Court of Tennessee held that an offender's illegal disenfranchisement, which occurred when the trial court declared his crime to be "infamous" even though it was not listed as infamous under the statute, could be granted limited habeas corpus relief to restore his civil rights. The court also held that subsequent changes to the statute could not be retroactively applied to make prior committed acts infamous.²⁷

The New York Assembly passed the Voting Rights Notification and Registration Act in 2006 to inform and assist former felons in regaining their voting rights.²⁸ Several states, including Florida, Louisiana, North Carolina, and New Jersey have improved the processes by which ex-offenders are notified of their voting rights.²⁹

Change is also happening at the federal level. In 2009, Senator Russell Feingold and Representative John Conyers introduced the Democracy Restoration Act (S. 1516 and H.R. 3335, respectively), which would restore the right to vote in federal elections to any felon who has been released from prison. This legislation has gained the support of numerous civil rights and criminal justice advocacy organizations, as well as faith groups. In addition, over a dozen members of the law enforcement community have endorsed the Democracy Restoration Act, including the District Attorney of Kings County, NY, the Attorney

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General of Iowa, the Director of the Oklahoma Department of Corrections, the Chief of Police of Miami, the Chair of the Rhode Island Parole Board, the Chairman of the Illinois Prisoner Review Board, and the former United States Attorney for the Northern District of Alabama, among others.³⁰

Though not in the context of specific legislation, both the American Probation and Parole Association and the National Black Police Association have passed resolutions in favor of restoring voting rights upon release from prison. The Association of Paroling Authorities International passed a resolution supporting enfranchisement of offenders “reentering the community.”³¹ Dozens of newspapers and magazines, including the New York Times, the Boston Globe, the Los Angeles Times, Newsweek, and Forbes, have run editorials urging that persons with felony convictions should be enfranchised.³² Internationally, the United Nations’ Committee on the Elimination of Racial Discrimination, concerned about “the disproportionate impact that the implementation of disenfranchisement laws has on a large number of...minorities,” has recommended that only those persons convicted of the “most serious crimes” be disenfranchised, and that all persons be restored to their voting rights after completing their sentences.³³

Policy Recommendations

Restore Voting Rights to Felons Upon Release

Project Vote recommends that voting rights be restored to felons upon release from prison. Restoration of the right to vote should be a fundamental part of an ex-offender’s

reintegration into society. This right should be extended to all ex-offenders not currently in state or federal custody, regardless of status as a parolee or probationer. Increased civic participation and responsibility will provide individuals with a sense of investment and involvement in their respective communities, and decrease the risk of subsequent offenses. A uniform policy will also be easier for election officials to administer and reduce the potential of former felons voting unlawfully.

Notification

Individuals on trial for a felony offense should be notified before criminal proceedings that conviction of a felony, including conviction for a lesser felony charge as the result of a plea bargain, would result in the loss of certain civil rights, including the right to vote. Upon conviction and sentence, the offender should be notified of his or her eligibility for restoration of voting rights, and that he or she is entitled to assistance with voter registration as part of the release process.

Consistent and Enforceable Policy

A policy should be adopted by each state that will allow for uniform enforcement with minimal chances for confusion and complication. The most practical policy would allow former offenders to regain their voting rights upon release from prison. This would both eliminate election officials’ and correction officials’ need to actively monitor a former offender’s voting status, and reduce the probability of penalizing entire communities largely based upon low-income and minority status.

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Conclusion

Restoring the right to vote to ex-offenders is an integral aspect of reintegration into society. Consistent policies are necessary to prevent large-scale disenfranchisement not only of the ex-offenders themselves, but also of the communities to which they belong. Society as a whole benefits when a representative government truly represents all its citizens.

Notes

- ¹ "Disenfranchised Americans," *America Magazine*, October 16, 2006, available at www.americamagazine.org/content/article.cfm?article_id=5021.
- ² Arizona Revised Statutes 13-905.
- ³ Nevada Revised Statutes 213.090, 213.155, 213.157, 293.540
- ⁴ Wyoming Statutes 7-13-105
- ⁵ Mauer, Marc & Tushar Kansal, *Barred for Life: Voting Rights Restoration in Permanent Disenfranchisement States*, February, 2005, available at www.sentencingproject.org/doc/publications/fd_barredforlife.pdf.
- ⁶ *Richardson v. Ramirez*, 418 U.S. 24 (1974).
- ⁷ *Ibid.*
- ⁸ See, e.g., *Johnson v. Bush*, 405 F.3d 1214, 1225 (11th Cir. 2005); *Shepherd v. Trevino*, 575 F.2d 1110, 1115 (5th Cir. 1978); *Green v. Board of Elections of City of New York*, 380 F.2d 445, 451-52 (2d Cir. 1967); *Johnson v. Bredesen*, 579 F. Supp. 2d 1044, 1054 (M.D. Tenn. 2008); *Coronado v. Napolitano*, 2008 WL 191986, *4 (D. Ariz. 2008); *Beachem v. Braterman*, 300 F. Supp. 182, 183-84 (S.D. Fla. 1969).
- ⁹ *Hunter v. Underwood*, 471 U.S. 222 (1985).
- ¹⁰ "Boards of Election Continue Illegally To Disenfranchise Voters With Felony Convictions," 2006.
- ¹¹ "Disenfranchised Americans," *America Magazine*, October 16, 2006, available at www.americamagazine.org/content/article.cfm?article_id=5021.
- ¹² The Sentencing Project: Research and Advocacy for Reform, *Felony Disenfranchisement Laws in the United States*, September, 2008, available at www.sentencingproject.org/doc/publications/fd_bs_fdlaw-sinus.pdf.
- ¹³ The Sentencing Project: Research and Advocacy for Reform, *Felony Disenfranchisement Rates for Women*, March, 2008, available at www.sentencingproject.org/doc/publications/fd_bs_women.pdf.
- ¹⁴ Mauer, Marc, *Disenfranchisement of Felons: The Modern Day Voting Rights Challenge*, 2002 C.R.J. 40.
- ¹⁵ Reiman, Jeffrey, *Liberal and Republican Arguments Against the Disenfranchisement of Felons*, 24 *Crim. Just. Ethics* 3, 2005, available at www.sentencingproject.org/doc/publications/fd_liberalrepublican_argum.pdf.

¹⁶ *Ibid.*

¹⁷ Mauer, Marc, *Disenfranchising Felons Hurts Entire Communities*, *Focus*, May/June 2004.

¹⁸ Brennan Center for Justice, *Voting Rights Restoration*: February 2006, available at www.brennancenter.org/page/-/d/download_file_9846.pdf.

¹⁹ Cardinale, Matthew, *Triple-Decker Disenfranchisement: First-Person Accounts of Losing the Right to Vote among Poor, Homeless Americans with a Felony Conviction*, November, 2004, available at www.sentencingproject.org/doc/publications/fd_tripledecker.pdf.

²⁰ *Ibid.*

²¹ Mauer, Marc & Tushar Kansal, *Barred for Life: Voting Rights Restoration in Permanent Disenfranchisement States*, February, 2005, available at www.sentencingproject.org/doc/publications/fd_barredforlife.pdf.

²² King, Ryan S. *Expanding the Vote: State Felony Disenfranchisement Reform, 1997-2008*. The Sentencing Project, September 2008. Available at http://www.sentencingproject.org/doc/publications/fd_statedisenfranchisement.pdf.

²³ *Ibid.*

²⁴ Pantescio, Joshua, *Rhode Island approves measure giving felons on parole right to vote*, *Jurist: Legal News & Research*, November 8, 2006. Available at jurist.law.pitt.edu/paperchase/2006/11/rhode-islandapproves-measure-giving.php.

²⁵ Rhode Island Statutes 17-9.2-3(f).

²⁶ King, Ryan S. *Expanding the Vote: State Felony Disenfranchisement Reform, 1997-2008*. The Sentencing Project, September 2008. Available at http://www.sentencingproject.org/doc/publications/fd_statedisenfranchisement.pdf.

²⁷ *May v. Carlton*, 245 S.W.3d 340 (Tenn. 2008).

²⁸ The Sentencing Project, *Disenfranchisement: Year in Review*, December 18, 2006.

²⁹ King, Ryan S. *Expanding the Vote: State Felony Disenfranchisement Reform, 1997-2008*. The Sentencing Project, September 2008. Available at http://www.sentencingproject.org/doc/publications/fd_statedisenfranchisement.pdf.

³⁰ See Letter in Support of the Democracy Restoration Act [bill numbers omitted] from Law Enforcement and Criminal Justice Leaders, at <http://www.brennancenter.org/page/-/Democracy/DRA - Law Enforcement CJ Sign on Letter FINAL.pdf>

³¹ Brennan Center for Justice, available at www.brennancenter.org/content/pages/law_enforcement_criminal_justice_advisory_council.

³² Brennan Center for Justice, *Restoring the Right to Vote*, available at brennan.3cdn.net/5c8532e8134b233182_z5m6ibv1n.pdf.

³³ Committee on the Elimination of Racial Discrimination, *Consideration of Reports Submitted by States Parties Under Article 9 of the Convention: Concluding Observations of the Committee on the Elimination of Racial Discrimination: United States of America*, 2008, available at www.2.ohchr.org/english/bodies/cerd/docs/co/CERD-CUSA-CO.6.pdf.

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Appendix

Permanent Disenfranchisement for All Offenders

Kentucky	State Constitution Section 145	Former offender is prohibited from voting unless voting rights are restored by executive pardon.
Virginia	State Constitution Article II Section 1	Former offender is prohibited from voting unless voting rights are restored by the Governor or “other appropriate authority.”

Permanent Disenfranchisement for At Least Some Offenders

Alabama	State Constitution Article VIII	“No person convicted of a felony involving moral turpitude...shall be qualified to vote until restoration of civil and political rights.”
Arizona	State Statutes, Title 13 Chapter 9	First-time felony offender can have rights restored upon completion of probation and payment of restitution and fines; after a second offense rights can be restored after completing probation, but only by the judge who discharges the offender from probation, and the offender must wait a minimum of two years to file the application
Delaware	State Constitution Article V Section 2; State Statutes, Title 15 Chapter 61	Certain felonies (including murder, manslaughter, bribery or abuse of office, or sexual offenses) result in permanent disenfranchisement. For other felonies, parole, probation, fees, fines and restitution must have been completed at least five years prior to application for restoration of voting rights. Application is reviewed by Office of State Court Collections Enforcement and Department of Correction.

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Appendix: Permanent Disenfranchisement for At Least Some Offenders

Maryland	State Statutes, Election Law, § 3-102	An individual may not register to vote if he has been convicted of buying or selling votes. Individuals convicted of a felony may not register to vote if currently imprisoned or serving parole or probation.
Mississippi	State Statutes, Title 23 Chapter 15; State Constitution Article 12 Section 241	Ten felonies (murder, rape, bribery, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, and bigamy) result in permanent disenfranchisement. Other felonies do not result in disenfranchisement.
Missouri	Missouri Revised Statutes, Title IX, § 115.133(2)	Offenders convicted of a felony or misdemeanor connected with the right of suffrage may not vote. Other offenders regain the right to vote after sentence is completed, including parole and probation.
Nevada	State Statutes 213.090, 213.155, 213.157, 293.540	Offenders convicted of a felony in another state must have restored their voting rights pursuant to that state's laws. Offenders convicted in Nevada can have rights restored upon unconditional pardon, honorable discharge from parole except when previously convicted of certain categories of felony, or upon release from prison except when convicted of certain categories of felony.
New Jersey	State Constitution Article II Section 1 Paragraph 7; State Statutes 19:4-1	Offender regains the right to vote after completion of prison, parole and probation, except that offender who violated the Election title must be first pardoned or "restored by law to the right of suffrage"

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Appendix: Permanent Disenfranchisement for At Least Some Offenders

Tennessee	State Constitution Article IV Section 2; State Statute § 2-2-139; Public Chapter 740 4(70); <i>Crutchfield v. Collins</i> 607 S.W. 2D 478	Dependent upon when a felony was committed, and the nature of the felony, a person may not lose the right to vote at all. If the right to vote is lost, it may be restored through reversal of the conviction, receipt of a full pardon, verification that the crime was not declared “infamous,” restoration of rights by a circuit court, expiration of maximum sentence, successful completion of parole including restitution, and/or full payment of child support.
Wyoming	State Constitution Article 6, Section 6; State Statutes § 6-10-106 and 22-3-102; Senate File 65 (passed 2003)	First-time nonviolent offenders are eligible to apply for restoration of voting rights 5 years after their sentence is complete, including parole and probation. Violent or repeat offenders can only restore voting rights by applying through the Governor.

Voting Rights Restored After Completion of Sentence Including Parole and Probation

Alaska	State Statute 15.05.030	Offender regains the right to vote after completion of prison, parole and probation
Arkansas	Amendment 51, § 11(d)	Rights may be restored if offender provides proof of discharge from probation or parole, including fees, fines and restitution
Florida	Statutes 97.041(2)(b); 940.01(1); 940.05; Rules 6, 9, 10A and 10B, Rules of Executive Clemency	Former offenders convicted of certain crimes are prohibited from voting unless individual rights are restored through an application process involving the Clemency Board and/or Office of Executive Clemency. In Florida, voting rights are automatically restored for most people convicted of non-violent offenses.

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Appendix: Voting Rights Restored After Completion of Sentence Including Parole and Probation

Georgia	State Constitution Article II Section 1 Paragraph 3	“No person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence.”
Idaho	State Constitution Article VI Section 3; State Statutes § 18-310	Citizenship rights must be restored in order to restore right to vote. Full rights of citizenship “shall be restored” upon final discharge, i.e. satisfactory completion of imprisonment, probation, and parole
Iowa	State Statutes 48A.6, 914.2-7; Executive Order 42	Under the statute, a former offender is prohibited from voting unless rights are restored by Governor or President upon completion of sentence. However, Executive Order 42 grants a blanket restoration of the right to vote for all offenders that completely discharged their sentences, including any accompanying term of probation, parole, or supervised release.
Kansas	State Constitution Article V Section 2; State Statute § 22-3722	Offender must be pardoned or restored to his civil rights; regains civil rights after completion of prison, parole and probation
Louisiana	State Statutes § 18:102(A)(1), § 18:2(8)	Offender regains the right to vote after completion of prison, parole and probation
Minnesota	State Statutes 201.014(2)(a), 609.165; Minnesota Rules 8200.9115; Constitution Article VII Section 1	Offender regains the right to vote after completion of prison, parole and probation, including suspended sentences
Nebraska	State Statute 32-313(1)	Offender is eligible to register two years after completion of sentence including parole.
New Mexico	State Constitution Article VII Section 1; State Statutes 31-13-1	Offender regains the right to vote after completion of prison, parole and probation

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Appendix: Voting Rights Restored After Completion of Sentence Including Parole and Probation

North Carolina	State Constitution Article VI Section 2(3); General Statutes 13-1	Offender regains the right to vote after completion of prison, parole and probation
Oklahoma	State Statutes, Title 26, § 4-101	Offender regains the right to vote after completion of sentence (i.e. prison, parole and probation)
South Carolina	State Statute § 7-5-120(B)(3)	Offender regains the right to vote after completion of prison, parole and probation
Texas	State Statute 13.001(a)(4)(A)	Offender regains the right to vote after completion of prison, parole and probation
Washington	State Statutes 29A.08.520, 9.94A.637, 9.92.066, 9.96.050, 9.96.020	Offender regains the right to vote after completion of sentence, including parole and probation. However, voting rights may be revoked if the sentencing court determines that the person “willfully failed to comply with terms of order to pay legal financial obligations.”
West Virginia	State Statutes 3-1-3, 3-2-2	Offender regains the right to vote after completion of prison, parole and probation
Wisconsin	State Statutes 6.03(1)(b), 304.078(3)	Offender regains the right to vote after completion of prison, parole and probation

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Voting Rights Restored After Completion of Prison Time and Parole (Probationers Can Vote)

California	State Constitution Article II Sections 2, 4	Offender loses right to vote only while imprisoned or on parole.
Colorado	State Statutes 1-2-103(4)	Offender loses right to vote only while imprisoned or on parole.
Connecticut	State Statutes Chapter 143 9-46a	Offender loses right to vote until imprisonment and parole completed and fines paid, unless the felony was under Title 9 (“Elections”) of the statutes, in which case the offender must also be released from probation.
New York	State Statutes 5-106, 5-400(1)(b)	Offender loses right to vote only while imprisoned or on parole.
South Dakota	State Statutes 24-5-2	Offender loses right to vote only while imprisoned or on parole.

Voting Rights Restored After Completion of Sentence (Parolees and Probationers Can Vote)

District of Columbia	District Constitution Article V Section 1(d)	Rights restored after release from incarceration.
Hawaii	State Constitution Article II Section 2	Rights restored after release from incarceration.
Illinois	State Statute 5/3-5	Rights restored after release from incarceration.

Restoring Voting Rights to Former Felons

Appendix: Voting Rights Restored After Completion of Prison Time and (Parolees and Probationers Can Vote)

Indiana	State Constitution Article 2 Section 8, State Statutes 3-7-13-4&5	Offender loses right to vote only while in prison or “otherwise subject to lawful detention”.
Massachusetts	State Statutes Title VIII Chapter 51 Section 1	Rights restored after release from incarceration.
Michigan	State Statutes 168.492a	Rights restored after release from incarceration.
Montana	State Statute 13-1-111(2)	Rights restored after release from incarceration.
New Hampshire	State Statutes 607-A:2, 654:5	Rights restored after release from incarceration.
North Dakota	State Statutes 16.1-01-04, 12.1-33-03.1	Rights restored after release from incarceration.
Ohio	State Statutes 3503.21(A)(3), 2961.01(A)	Rights restored after release from incarceration.
Oregon	State Statutes 137.275, 137.281	Rights restored after release from incarceration.
Pennsylvania	State Statutes 961.501(a) (“Voting Rights Act of 1995”)	Offender has right to vote if he “has not been confined in a penal institution for a conviction of a felony within the last five years.”
Rhode Island	State Statutes 17-9.2-3(a, f)	Rights restored after release from incarceration.
Utah	State Statutes 20A-2-101.5	Rights restored after release from incarceration.

Restoring Voting Rights to Former Felons

No Disenfranchisement for Felony Offenders

Maine	State Statutes Title 21-A Chapter 3 Subchapter 2	Eligibility to vote is not impacted by a felony conviction
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Vermont	State Statutes Title 17 Chapter 43 Subchapter 1	Eligibility to vote is not impacted by a felony conviction

Project Vote is a national nonpartisan, nonprofit organization that promotes voting in historically underrepresented communities. Project Vote takes a leadership role in nationwide voting rights and election administration issues, working through research, litigation, and advocacy to ensure that our constituencies can register, vote, and cast ballots that count.

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